

REMARKS

Claims 1-5 are pending in the present application; all claims have been rejected in the present Office Action under 35 U.S.C. §102(a) as being anticipated by European Patent Application Publication No. EP 1039 768 A2 (Sim).

In response, Claim 4 was cancelled and Claims 1, 3, and 5 were amended to more clearly define of the present invention.

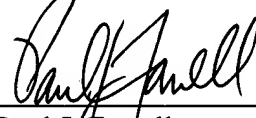
Sim describes transmitting and receiving a large capacity of data using a short message service, where stored data is read and encoded in a data transmission mode, and inherent distinction data transmission headers are generated according to completion of the data encoding. The encoded data and the generated data transmission headers are formed into user data of a short message service, and short message service blocks including the user data of the short message service are transmitted.

The present application discloses a method of exchanging real images in image files between mobile phones; it teaches "selecting and confirming an image file out of a list of one or more image files stored on the sending mobile phone" recited in independent Claim 1 as amended. This limitation is not taught or described in Sim. Without conceding the patentability per se of dependent Claims 2, 3, and 5 these are likewise, by virtue of their dependence on Independent Claim 1, believed to overcome the rejection under 35 U.S.C. §102(a), the withdrawal of which is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3, and 5 are believed to be in condition for allowance. Allowance of these Claims is thus respectfully requested.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516